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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/777,871	02/12/2004	Shaibal Roy	ID-494 (80215)	6107
27975 7590 03/17/2009 ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A. 1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE P.O. BOX 3791 ORLANDO, FL 32802-3791				
EXAMINER BHATIA, AJAY M				
ART UNIT 2445		PAPER NUMBER		
NOTIFICATION DATE 03/17/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

creganoa@addmg.com

Office Action Summary

Application No.

10/777,871

Applicant(s)

ROY, SHAIBAL

Examiner

AJAY BHATIA

Art Unit

2445

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SE/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Arguments

Applicant's arguments filed 1/20/2009 have been fully considered but they are not persuasive. Applicant argues that the prior art does not teach the newly added limitation of "said protocol engine module also initiating polling without mobile wireless communications device initiated configuration commands and instructions from said software clients irrespective of communications with a mobile wireless communication device." Examiner disagrees. The prior art in paragraphs 34 and 35 teaches that the system automatically polls the e-mail mailbox on a periodic basis (e.g. every 30 minutes). Based upon the prior art teaching applicant has failed to distinguish between the prior art of record and the presently claimed invention.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 18, 19, 21-23 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The preamble of claim 18 is not limiting and therefore it includes no particular hardware.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-33 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Applicant's amendment initiating polling "without" is not supported by the specification, specifically paragraph 130, explicitly states otherwise.

[0123] More particularly, the protocol engine module 32"" polls the data systems 24"", 26"" to determine whether they currently store data items associated with users that have been configured for access thereof. Users are configured in the protocol interface device 14"" by establishing a user account associated therewith, for example. Polling is preferably performed in accordance with a polling interval. The polling interface may be a static predetermined polling interval, or an adaptive polling interval that can be adjusted based on operating conditions or the occurrence of particular events, as will be appreciated by those skilled in the art.

[0130] As described above, the stored UID list is accurate to within the polling interval. When the stored UID list is provided to a client in response to a data access request, the protocol engine module 32"" preferably polls the data system(s) 24"", 26"" to determine whether the stored UID list is still accurate. If new items have been stored at the data system(s) 24"", 26"" since the last poll, then a new UID list is sent to the client. This further polling of the data systems 24"", 26"" is performed either according to the polling interval or initiated by the data access request.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 12, 24, and 29 recites the limitation "a mobile wireless communication device" in the last line. There is insufficient antecedent basis for this limitation in the claim. The claim make previously refers to a said mobile wireless communication device and then in the last line of the claim refers to "a mobile wireless communication device" this introduces confusion of it is in reference to the same mobile wireless communication device or a second mobile wireless communication device. Please make an appropriate correction.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7, and 9-33 are rejected under 35 U.S.C. 102(b) as being anticipated by Hoglund, (United States Patent Application Publication 2002/0026513).

For claim 1, Hoglund teaches, a communications system comprising:

a plurality of mobile wireless communications devices each comprising a respective software client using at least one of a plurality of different operating protocols as configuration commands and instructions for accessing electronic mail (email) and to send at least one access request; (Hoglund, paragraph 65 RF/NCP, paragraph 36, automatic poll, POP and IMAP)

a plurality of email data storage devices for storing email data files, each email data file being associated with a respective mobile wireless communications device, each email data file having a unique identification (UID) associated therewith, and each email data storage device using at least one of the plurality of different operating protocols; (Hoglund, paragraph 35, POP and IMAP, paragraph 91, message id, unique, paragraph 93, POP, IMAP)

and a protocol interface device comprising

a protocol converter module for communicating with the respective software client of each of said plurality of mobile wireless communications devices using respective operating protocols thereof, and (paragraph 87, proxy architecture, works with POP and IMAP, paragraph 936, interprets, paragraphs 104-106, worker threads, figure 6B)

a protocol engine module for communicating with said plurality of email data storage devices using respective operating protocols thereof, (Hoglund, paragraph 35, pop and imap, paragraphs 104-106, protocol identifier)

said protocol engine module also for initiating polling of said email data storage devices for UIDs of email data files stored thereon to maintain a UID list, (Hoglund,

figure 8a, messages, paragraphs 90-91, messages ids, paragraph 107-109, raw message queue, compare those IDs with the IDs of message that have already been downloaded)

and for cooperating with said protocol converter module to provide the UID list to the respective software client of each of said mobile wireless communications devices upon receiving access requests therefrom,

said protocol engine module also initiating polling without mobile wireless communications device initiated configuration commands and instructions from said software clients irrespective of communications with a mobile wireless communication device. (Hoglund, paragraph 96, automatically, every 30 minutes)

For claim 2, Hoglund teaches, the communications system of Claim 1 wherein said protocol engine module detects new email data files stored on said email data storage devices based upon UIDs thereof, and wherein said protocol engine module cooperates with said protocol converter module to send alert notifications to respective mobile wireless communications devices upon detecting new email data files therefor. (Hoglund, paragraph 91, message ID, paragraphs 92-93, notified to transmit message to designated wireless device)

For claim 3, Hoglund teaches, the communications system of Claim 1 wherein said protocol interface device further comprises a memory coupled to said protocol engine module for storing the UIDs. (Hoglund, paragraph 91, compare IDs)

For claim 4, Hoglund teaches, the communications system of Claim 1 wherein said protocol engine module polls said email data storage devices only for UIDs. (Hoglund, paragraph 91, compare IDs)

For claim 5, Hoglund teaches, the communications system of Claim 1 wherein said protocol engine module polls said email data storage devices based upon a static polling interval. (Hoglund, paragraph 96, 30 min)

For claim 6, Hoglund teaches, the communications system of Claim i wherein said protocol engine module polls said email data storage devices based upon an adaptive polling interval. (Hoglund, paragraph 81, adaptive to schedule, paragraph 47, realtime)

For claim 7, Hoglund teaches, the communications device of Claim 1 wherein said protocol converter module and said protocol engine module communicate using a common interface protocol able to represent a desired number of protocol-supported elements for a desired operating protocol. (Hoglund, paragraph 104-106, POP, IMAP)

For claim 9, Hoglund teaches, the communications system of Claim 1 wherein said plurality of email data storage devices, said plurality of wireless mobile communications devices, and said protocol interface device process email messages. (Hoglund, paragraph 43, email)

For claim 10, Hoglund teaches, the communications system of Claim 1 further comprising a wide area network (WAN) connecting at least one of said wireless mobile communications devices with said protocol interface device. (Hoglund, paragraph 65, roam across country)

For claim 11, Hoglund teaches, the communications system of Claim 1 further comprising a wide area network (WAN) connecting at least one of said email data storage devices with said protocol interface device. (Hoglund, paragraphs 71-73, internet)

Claims 12-33 list all the same elements of claims 1-7 and 9-11. Therefore, the supporting rationale of the rejection to claims 1-7 and 9-11, applies equally as well to claims 12-33.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hoglund in view of Hopmann et al. (US Patent 6,578,069).

For claim 8, Hoglund fails to clearly disclose, the communications system of claim 7 wherein the common interface protocol is based upon a Web-based distributed authoring and versioning (WebDAV) protocol.

Hopmann teaches, the communications system of claim 7 wherein the common interface protocol is based upon a Web-based distributed authoring and versioning (WebDAV) protocol. (Hopmann, Col. 10 lines 25-37, webdav)

Hopmann and Hoglund are both in field of invention preventing duplicate downloads (Hopmann, Col. 2 line 37) and (Hoglund, paragraph 90)

Hoglund and Hopmann both utilize UID to track document making both systems compatible

It would be obvious to one of ordinary skill in the art at the time of the invention to combine Hoglund with Hopmann, because Hopmann provided the added benefit of being able to track changes when disconnected from the network and connected to a different server. (Hopmann, Col. 2 line 65 to line 3 line 7)

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. See attached Notice of references cited (if appropriate).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AJAY BHATIA whose telephone number is (571)272-3906. Also any interview requests should be faxed directly to the examiner at (571)-273-3906. The examiner can normally be reached on M, T, H, F 9:00-3:30, Also please fax interview requests to 571-273-3906.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Cardone can be reached on 571-272-3933. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Ajay Bhatia/

Examiner, Art Unit 2445